



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	07/231,273	05/12/85	FILING DATE	OXFORD	FIRST NAMED INVENTOR	A	ATTORNEY DOCKET NO.	DR00010
---------------	------------	----------	-------------	--------	----------------------	---	---------------------	---------

BACON & THOMAS
625 SLATERS LANE - 4TH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

FAN, J

ART UNIT	PAPER NUMBER
----------	--------------

9

DATE MAILED: 01/26/90

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 11/9/89 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

<input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.	<input type="checkbox"/> Notice re Patent Drawing, PTO-948.
<input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.	<input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152.
<input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.	<input type="checkbox"/> _____

Part II SUMMARY OF ACTION

1. Claims 1-26 are pending in the application.

Of the above, claims 18-20 are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-5, 11-17, 21-26 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Serial No. 07/231274

-2-

Art Unit 121

Claims 1 to 5, 11 to 17 and 21 to 26 are again provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 2, 4 to 10 and 12 to 15 of copending application SN 231,260 for reasons of record.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103.

The 112 and 103 rejections have been overcome in view of applicants' remarks.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE (3) MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO (2) MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE (3) MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX (6) MONTHS FROM THE DATE OF THIS FINAL ACTION.

J.T. Fan
JANE T. FAN
PRIMARY EXAMINER
ART UNIT 121

FAN:wdh

A/C 703 557-3920

1/23/90